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RUEHIT/AMCONSUL ISTANBUL 2791  
RUEHVEN/USMISSION USOSCE 3103  
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SUBJECT: TURKMENISTAN: LIVELY DEBATE AT ROUNDTABLE ON IMPROVING NGO  
LEGISLATION

REF: A. ASHGABAT 0498

[1](#)B. ASHGABAT 1145

[1](#)1. (U) Sensitive but unclassified. Not for public Internet.

[1](#)2. (U) SUMMARY: On November 17-18, USAID's partner International Center for Not-for-Profit Law (ICNL) and the National Institute of Democracy and Human Rights under the President of Turkmenistan (IDHR) organized a roundtable on Improving Legislation for Public Organizations for approximately 45 government officials. The event spurred lively discussions among the participants, including criticism of existing legislation and strict control procedures. Based on the discussions of international practices related to public association law implementation in Azerbaijan, Tajikistan and Uzbekistan, the participants identified ways to improve the registration procedures in Turkmenistan. After the roundtable, ICNL and the Institute charted concrete steps and a timeline for inputs to stimulate reform of legislation covering public associations in Turkmenistan (To be reported septel).

EVENT BUILT ON ICNL-IDHR SEMINAR IN APRIL 2008

[1](#)3. (U) On November 17-18, more than 45 government officials representing IDHR, Ministry of Justice, Parliament, General Prosecutor's Office, Supreme Court, Institute of State and Law, Council for Religious Affairs, Turkmen State University, Women's Union, Youth Union, and Union of Entrepreneurs and Manufacturers took part in a roundtable on Improving Legislation for Public Organizations in Turkmenistan. The roundtable was a planned follow up to the international conference on NGO Legislation organized by ICNL jointly with IDHR in April 2008, which focused on best international practices and the experience of CIS countries on NGO legislation (reftel A). By design, the April conference did not explicitly discuss Turkmen legislation or result in recommended changes to existing law. The November event, in contrast, specifically addressed Turkmenistan's legislation by comparing it with that from three neighboring countries -- Tajikistan, Azerbaijan, Uzbekistan. ICNL invited experts from these countries, which included its staff and/or representatives from its local partners, to lead these discussions. At the request of the IDHR's

director, ICNL provided written recommendations for improving Turkmenistan's legislation, which were distributed to all participants at the end of the round table.

¶4. (U) Discussion focused on the laws on public associations, which is the only form of non-governmental organization (NGO) currently allowed in Turkmenistan. As previously reported (reftel B), there are less than 90 registered public associations in Turkmenistan. Most of these are government-organized NGOs (GONGOs), which generally are reluctant to undertake advocacy activities, but often have some degree of latitude to operate due to their government connections. Participants were surprised to hear that many countries' laws related to public associations -- even Uzbekistan -- are more liberal than in Turkmenistan. Specifically, they learned that:

- Uzbekistan has 5,000 officially registered public associations and Tajikistan has over 2,400;
- Informal associations are permitted in Tajikistan and Azerbaijan;
- Grants from foreign organizations are not required to be registered in Tajikistan or Azerbaijan;
- Registration processes for NGOs in all three countries are essentially the same as for commercial entities; and
- Foreigners are permitted to establish and be members of public associations in all these countries.

#### CANDID DISCUSSIONS INCLUDED CRITICISM OF EXISTING PRACTICES

¶5. (U) The participants were especially impressed by the invited experts' open discussions on how their governments and NGOs jointly

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resolve problems in their countries. For example, the expert from Azerbaijan explained how a public monitoring structure was set up in the Ministry of Defense to monitor soldiers' conditions after publicly released video showed officers physically abusing a group of soldiers. Another example from Azerbaijan was how its Ministry of Justice closely cooperates with NGOs to monitor prison conditions. Participants lauded Azerbaijan's initiatives and expressed a desire to introduce similar approaches in Turkmenistan as well.

¶6. (SBU) IDHR Director Shirin Ahmedova acknowledged that other countries permit wide public-sector participation in monitoring prison conditions, and that their penal systems are overseen by the Ministry of Justice rather than the Ministry of Internal Affairs. She suggested Turkmenistan should introduce this approach as well, which would comply with a recent speech of the President Berdimuhamedov, who said, "If a criminal is jailed, he should have normal human conditions in prison."

¶7. (U) Throughout the two days, Turkmen participants openly expressed opinions and criticized Turkmenistan's legislation, the Ministry of Justice's NGO registration process, and the restrictive procedures of other agencies. At the end of the roundtable, participants expressed general agreement with ICNL's recommendations for changes in legislation. Several participants called for follow-up action to start integrating the recommendations into legislative initiatives.

#### AHMEDOVA REJECTS "HEAD IN THE SAND" APPROACH

¶8. (SBU) During her closing remarks, Institute Director Ahmedova said, "Why is today's event so important? Because it is responding to the national need of developing of active citizenry, professional and competitive, to be able to take part at country undertaken reforms. National reforms are underway and today's roundtable is a part of this process. We should not have an ostrich's policy of hiding our existing problems. We should accept that not everything is perfect in our country. With regard to development, our country is at the teenage level and we completely accept what has been said by the invited experts. We should follow other countries' examples to have such simple procedures as in Azerbaijan by minimizing the documents required for registration. Why does a group of people need registration for a one-time action? The registration office

should not interfere with NGO activities. NGOs are independent entities. Why should we interfere while Turkmenistan's constitution says that government should not interfere with NGOs activities? The government should support NGOs and it is very important. This is said at all levels -- it is mentioned in UN conventions; it is mentioned in President Berdimuhamedov's speech on the need to develop the civic society in Turkmenistan and make legislation reforms. On behalf of the institute and all participants I would like to thank USAID, ICNL and our honored experts for organizing such useful round table."

¶9. (SBU) As a next step, the IDHR invited ICNL to work with the Interministerial Commission on Bringing Turkmen Legislation in Compliance with the International Standards (the Interministerial Commission) and assist with drafting amendments to the Law on Public Associations (Law on PAs). This package of amendments will focus on the core provisions in the Law on PAs that contravene Turkmenistan's international obligations (e.g., eliminating the prohibition of unregistered associations, greatly reducing the number of founders of a public association (PA) from 500 to 10 or fewer, eliminating the authority of the Ministry of Justice to terminate a PA without court's decision, confirming the right of foreigners to establish and to be members of PAs, among others). Because of the Interministerial Commission's heavy schedule, this work will take place in February 2009, and it is understood that the Commission will submit the draft amendments to the Parliament immediately thereafter.

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¶10. (SBU) COMMENT: The level of frank discussion in this event showed that there are progressive voices scattered throughout Turkmenistan's government that are willing to challenge existing restrictions and practices that limit the development of civil society. Institute Director Ahmedova's closing remarks further demonstrated her courage and desire to bring Turkmenistan's legislation and practices in line with international standards, while displaying shrewd political instincts by framing her comments within President Berdimuhamedov's own words.

¶11. (SBU) COMMENT CONTINUED: The Institute's invitation for ICNL to work with the Interministerial Commission on Bringing Turkmen Legislation in Compliance with the International Standards and to assist with drafting amendments to the Law on Public Associations is a real step forward and a reflection of Ahmedova's comfort with USAID and ICNL as partners. Draft legislation proposed by the Interministerial Commission receives serious consideration and is often adopted by the Parliament without significant changes. We believe that new legislation could be adopted as early as spring-summer 2009. END COMMENT.

MILES